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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,652	01/28/2000	Thomas David Reid Ford	4742	2505

7590 07/12/2002

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EXAMINER

MACKEY, PATRICK HEWEY

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 07/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/493,652

Applicant(s)

FORD ET AL.

Examiner

Patrick H. Mackey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/26/2002 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12-20 and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Salomon. Salomon discloses a Mail location apparatus to locate a mail item (M) inserted thereinto at a predetermined location in a first (A) and second (B) mutually perpendicular direction that includes a reference wall (7) (see Fig. 1), with an aperture for a print mechanism (see col. 2, line 57 and Figure 1), a support platform (9), a first guide (11) for engagement by a first edge (15) of the mail item (M), a second guide (13) for engagement by a second edge (18) of the mail item (M), and a sensor unit (27) including a face (see Figure 5) engageable by the mail item (M), a pivot (21), a resilient member (23), and a detector (27a, 27b). Salomon discloses that the face of the sensor unit (27) extends between the adjacent ends of the first and

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second guide walls across a corner of the predetermined location at an angle that is approximately 45 degrees (see Figure 5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salomon in view of Beck et al. Salomon discloses all the limitations of the claims (see above), but it does not disclose that the support platform is displaceable between an open position and a closed position. However, Beck discloses similar device that includes a support platform (22) that is displaceable between an open position and a closed position for the purpose of holding the mail item in place during printing. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to utilize a support platform is displaceable between an open position and a closed position for the purpose of holding the mail item in place during printing.

Response to Arguments

6. Applicant's arguments filed 6/26/2002 have been fully considered but they are not persuasive

7. The applicant states that Salomon does not disclose a face inclined to both a first and second mutually perpendicular directions that is engaged by a corner of the mail item where the

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mail item is inserted in the first direction, the second direction, and any direction intermediate thereto.

8. In response, the examiner notes that Salomon, in Figure 5, discloses a face (19b). The face includes a plurality of inclined portions (the left side as well as the curved portion) such that it would be engaged if the mail item is inserted in any direction.

9. The applicant states that Salomon does not disclose that the face is inclined at approximately 45 degrees.

10. In response, the examiner notes that the applicant's disclosure does not define what is meant by "approximately". Therefore, under the terms broadest reasonable interpretation, the face illustrated by Salomon in Figure 5 is inclined at approximately 45 degrees.

11. The applicant states that although Salomon discloses that the face extends into a space between the ends of the walls, Salomon does not disclose that the face extends between the ends of the walls.

12. In response, the examiner does not appreciate the difference between the two statements. However, the examiner notes that the applicant has not unambiguously defined a structure that connects a point located at the end of a first reference wall with a point located at the end of a second reference wall. Thus claim 24, as written, includes the structure disclosed by Salomon.

13. Finally, the applicant states that Salomon does not include a reference wall.

14. In response, Salomon discloses a reference wall (7) for referencing the mail item. The top cover forms an opening for the mail item.

Conclusion


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15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Mackey whose telephone number is (703) 308-0630. The examiner can normally be reached on Tuesday-Friday 7:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Patrick H. Mackey
Examiner
Art Unit 3651

July 9, 2002